REMARKS

Claims 1-9, 11, 16-32, 34, and 35 are all the claims pending in the application.

I. Summary of the Office Action

By way of an overview, the Examiner withdrew the previous grounds of rejections and issued new rejections. Specifically, all claims are now rejected under 35 U.S.C. § 103(a) as being obvious over Uusikartano in view of Livet.

II. Prior Art Rejection

Claims 1-9, 11, 16-32, 34, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0099990 to Uusikartano (hereinafter "Uusikartano") in view of U.S. Patent Publication No. 2004/0132441 to Livet (hereinafter "Livet"). Applicant respectfully traverses these grounds of rejection for at least the following exemplary comments.

Claim 1 *inter alia* recites: "a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station, said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity; and adding, by said core network entity, to said request second information, that is known at a level of said core network entity and which is used, together with said first information, to perform a call admission control at the radio level."

The Examiner maintains that Uusikartano discloses the above-quoted unique features of claim 1 except for using the first and second information to perform a call admission control. The Examiner, however, alleges that Livet cures this deficiency of Uusikartano (*see* pages 2-5 of the Office Action). Applicant respectfully disagrees.

Uusikartano only discloses quality of service information used in the RAB procedure and does not disclose and or suggest information for call admission control. In Uusikartano, the Radio Access Bearer (RAB) location procedure does not include quality of service information received by the core network entity and the added information known at the core network entity level where this information is used to perform a call admission control at the radio level. In short, with respect to the communication between UTRAN and SGSN, Uusikartano is no different from conventional techniques in that it simply discloses using QoS profile and fails to disclose adding any second information known at the SGSN level to the QoS profile and using the first and second information in a request to perform a call admission control at the radio level.

In addition, Uusikartano does not disclose or suggest the content of a request for the setting up or reconfiguration of a radio bearer, sent by a core network entity to a radio access network entity, as set forth in claim 1. That is, Uusikartano does not disclose or suggest any content of a request for the setting up or reconfiguration of a radio bearer, sent by a core network entity to a radio access network entity. Uusikartano does not disclose any content of the message sent by SGSN (core network entity) to UTRAN (radio access network) in step 2-8 of figure 2 or in step 3-7 of figure 3 (Fig. 2; ¶ 0028 and Fig. 3; ¶ 0030).

Livet does not cure the above-identified deficiencies of Uusikartano. Livet does not disclose or suggest any content of a request for the setting up or reconfiguration of a radio bearer, sent by a core network entity to a radio access network entity. Indeed, Livet is directed to RRM (Radio Resource Management) only involving radio access network. Livet does not disclose or even remotely suggest the core network entity sending any such requests. Livet only mentions the core network as part of the architecture of a conventional UMTS network.

In addition, Livet in ¶¶ 48 and 49 only discloses that when in the normal load state 100, where the traffic is expected to be low, the FSMs preferably use maximum bit rate for the user's admission (CAC). Background TS Load Balancing also functions to spread out the load over all the TS, so that no TS encounters load congestion. In Livet, when the FSMs are in the high load state 200, the traffic starts to be high in most of the TS. To prevent cell overload, new resources are preferably allocated based on the RAB Guaranteed Bit Rate. RABs operating with a rate higher than the Guarantee Bit Rate are decreased to the Guarantee Bit Rate. This preventive action allows freeing resources for new admission.

Livet, however, only discloses a conventional call admission control procedure. Livet does not disclose or suggest a call admission control procedure that uses second information added and known at the core network entity level together with the first information. In Livet, the RMM is a radio network controller (a base station) and not the core network entity (¶ 10). That is, Livet only discloses the RMM monitoring the wireless communication and toggling a state based on the wireless communication load as explained above. In Livet, however, there is no request for a data session that would include the first information and added second information known at the core network entity level, in the call admission control procedure. In short, Livet fails to cure the deficient teachings of Uusikartano.

Furthermore, one of ordinary skill in the art would not have been motivated to combine the references in the manner suggested by the Examiner *i.e.*, to promote Quality of Service (*see* page 5 of the Office Action). It is noted, however, that the Examiner has not explained *how* and *why* the proposed modification would improve the Quality of Service. In fact, one of ordinary skill in the art would not have been motivated to include information of Uusikartano with the

CAC procedure disclosed in Livet at least because the information of Uusikartano deals with RAB location procedure and not CAC procedure.

For at least these exemplary reasons, claim 1 is patentable over Uusikartano in view of Livet, which lack a request for the setting-up or reconfiguration of a radio bearer for a packet session for a mobile station, said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity; and adding, by said core network entity, to said request second information, that is known at a level of said core network entity and which is used, together with said first information, to perform a call admission control at the radio level. Claims 2-9, 11, 16-32, 34, and 35 are patentable at least by virtue of their dependency on claim 1.

In addition, with respect to the dependent claim 2, Applicant respectfully submits that contrary to the Examiner's allegations, there is no disclosure or even remote suggestion of the information known at the core network entity level and added to the request being representative of the radio access capabilities, as set forth in claim 2. The Examiner relies on ¶ 22 of Uusikartano, which only discloses TFT parameters which are filtering bases and does not disclose or suggest adding to the request information additional information (known at the core network entity level) representative of radio access capabilities. Livet does not cure the above-identified deficiencies of Uusikartano. For at least these additional exemplary reasons, claim 2 is patentable over the prior art of record.

With respect to the dependent claim 35, Applicant respectfully submits that contrary to the Examiner's allegations, there is no disclosure or even remote suggestion of the request for the setting-up or the reconfiguration of a corresponding radio bearer being sent in a CREATE BSS PFC message, as set forth in claim 35. Uusikartano only discloses that the core network controls

the set-up, modification, and disassembly of RAB over the UTRAN and that modification request may be initiated by various entities (¶¶ 20 and 23). However, Uusikartano does not disclose a CREATE BSS PFC message. Livet does not cure the above-identified deficiencies of Uusikartano. For at least these additional exemplary reasons, claim 35 is patentable over Uusikartano in view of Livet.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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